THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

Writ Petition No.1042 of 2007

Date:19.01.2007

Between

M/s. Sudershan Laboratories Limited and another.

----------Petitioners

And

The sub Registrar and others.

----------Respondents

ORDER:

The grievance of the petitioners is that though they presented documents for registration, before the first respondent, in the year 2004, they are neither registered nor released so far, and they seek appropriate directions, in this regard.

According to the petitioners, they presented twelve documents, in all, before the first respondent, for registration, which are assigned Pending Numbers.167 to 178 of 2004. It is stated that the first respondent refused to register and release the said documents, on the ground that the petitioners have not submitted No Objection Certificates from the third respondent.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

The Registration Act, 1908 (for short 'the Act') and the Rules made thereunder stipulate the procedure to be followed, in the matter of registration of documents. If for any reasons, the documents cannot be registered, the Registering Authority is

under obligation to furnish the reasons and pass orders. Such orders, if any, are appealable under Section 72 of the Act. The second respondent cannot sit over the matter indefinitely. Whether or not the first respondent can insist on production of No Objection Certificate from the Revenue Department, as a condition precedent for registration of the document, was considered by this Court in its order, dated 07.07.2006, in W.P.No.7617 of 2006. It was held that the first respondent cannot insist on production of such No Objection Certificate.

Hence, the Writ Petition is allowed and the first respondent is directed to register and release the documents presented by the petitioners, without insisting on production of No Objection Certificates. If there exists any other reasons, enabling the first respondent to refuse such registration, he shall pass a reasoned order, within three (3) weeks from the date of receipt of this order. In such an event, it shall be open to the petitioners to pursue their remedies, in accordance with law. There shall be no order as to costs.

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19.01.2007

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